

03 APR 2009

United States Patent and Trademark Office



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of
Toyoda et al.
Application No. 10/562,836
PCT App. No.: PCT/JP04/09760
Int. Filing Date: 02 July 2004
Priority Date: 04 July 2003
Atty. Docket No.: Q91905
For: Tire Vulcanizing System And
Method For Vulcanizing Tire

DECISION

This is in response to the "Request For Corrected Official Filing Receipt" filed on 31 July 2007

BACKGROUND

International application PCT/JP2004/009760 was filed on 02 July 2004 and claimed an earliest priority date of 04 July 2003. The U.S. was designated. The International Bureau transmitted a copy of the published international application to the USPTO on 13 January 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 04 January 2006. Applicants paid the basic national fee on 29 December 2005. On 06 February 2007, applicants filed a submission including a declaration.

On 05 March 2007, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) reflecting a date under 35 U.S.C. 371(c)(1), (2) and (4) of "02/07/2007" were mailed.

DISCUSSION

Counsel requests the issuance of a corrected filing receipt showing a "Filing Date" of "February 6, 2007," and indicates that "verification for the requested correction is indicated on the Assignment and PTO Filing Receipt filed February 6, 2007." This is interpreted as a reference to the copy of a return postcard receipt which accompanies the instant request. Review of the postcard receipt reveals that it itemizes, *inter alia*, the "Submission of Executed Declaration (in duplicate) with a copy of the executed Declaration and Power of Attorney, and a check in the amount of \$130.00." The postcard receipt is stamped as received by the USPTO on "FEB 06 2007." MPEP 503 explains in part that "A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Following that practice, the executed declaration and surcharge under 37 CFR 1.492(h) are regarded as filed on 06 February 2007. Therefore, the requirements of 35 U.S.C. 371(c)(1), (2) and (4) were completed on 06 February 2007. Accordingly, the Filing Receipt and a Notice of Acceptance mailed on 05 March 2007 are hereby **VACATED**.

DECISION

The request is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for the preparation and mailing of a corrected filing receipt and a new Notice of Acceptance (Form PCT/DO/EO/903) showing a date under 35 U.S.C. 371(c)(1), (2) and (4) of **06 February 2007**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459